IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

A.O. No. 102 of 2003

Harsh Singh Rawat,
S/o Shri Sultan Singh,
R/o Kodiya,
Kotdwar (Garhwal). …….…. Appellant

Versus

Manju Devi,
W/o Late Sri Denanath Uniyal,
R/o Village Sagunda Patti,
Aswalassu,
Distt. Pauri Garhwal & others …….…….. Respondents

Mr. Hari Om Bhatia i/b B.P. Nautiyal, Advocate for the petitioner.
Mr. D.S. Patni, Advocate for Insurance Company.
Mr. D.C.S. Rawat, Advocate for respondent No. 1 to 6.

Coram: Hon. P.C.Verma, A.C.J.
Hon. M.M. Ghildiyal, J.
Dated: 19.12.2003:

PC:

This appeal from order has been filed by the insured against the order of the Motor Accident Claim Tribunal, whereby the Tribunal has provided that the claimant be paid the full amount of award by the Insurance Company and it will be open for the Insurance Company to recover the amount from the owner insured, if the insured was not covered by the policy of the insurer.

We have heard learned counsel for the appellant was well as the learned counsel for the Insurance Company. The learned counsel of the Insurance Company submits that at the time of accident, the driver was not having a valid license. The license owned by him is a fake one, which is proved before the Tribunal. Therefore, the Tribunal has made the observation that it will be open for the insurer to recover it from the insured. We find force in the contention of the learned counsel for the Insurance Company. Therefore, we are not inclined to interfere in this appeal.

The appeal is accordingly dismissed.

(M.M. Ghildiyal, J.) **(P.C. Verma, A.C.J.)**

G/H